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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1461st MEETING

Held at the Palais Wilson, Geneva
on Wednesday, 21 March 2001, at 5.20 p.m.

Chairman: Mr. SHERIFIS

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* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1461.

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The public part of the meeting was called to order at 5.20 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 4) (continued)

Dates of the fifty-ninth session

1. Mr. ABOUL-NASR said that the Committee must decide without further delay on the dates of the fifty-ninth session so as to allow the secretariat to make the necessary arrangements. There were two options for the three-week session 30 July-17 August, which was the more usual period, or 23 Jul -10 August. Apparently, some members would prefer the second option, since it would give them more time to prepare for the World Conference against Racism, but he personally would be unable to attend the first week of the session if it was held on the earlier dates, and would therefore prefer the second option, which would still leave more than 10 days to prepare for the World Conference.

2. Ms. McDOUGALL said that Committee members were accustomed to working during the first three weeks of August and had already arranged their work schedules on that basis. She was therefore in favour of the first option, even though it would entail additional expense for those Committee members making their own way to the World Conference.

3. Mr. de GOUTTES and Mr. YUTZIS likewise stated their preference for the later dates.

4. Following a show of hands requested by Mr. RECHETOV to indicate members' preferences on the matter, the CHAIRMAN noted that the Committee was clearly in favour of holding the fifty-ninth session from 30 July to 17 August 2001.

5. It was so decided.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 11) (continued)

6. Mr. YUTZIS said he had been apprised by the secretariat that the United Nations was prepared to cover the expenses for two Committee members to participate in the second session of the Preparatory Committee for the World Conference against Racism, to be held in May, in Geneva. As agreed, the two members representing the Committee would be the Chairman and a member of the contact group. Since he would be unable to attend the Preparatory Committee, and Ms. January-Bardill would already be in Switzerland at that time, he proposed that the member of the contact group representing the Committee at the meeting should be Ms. McDougall and that her costs should be defrayed by the United Nations.

7. Mr. SHAHI endorsed that proposal.

8. Ms. JANUARY-BARDILL, clarifying the contact group's discussion, confirmed that she would in any case be in Switzerland at that time and would also be participating in the second session of the Preparatory Committee alongside Ms. McDougall, as at the first session.

The contact group, greatly appreciating Ms. McDougall's contribution to the work of the Preparatory Committee had considered it most appropriate that she should represent the Committee and have her travel and participation costs defrayed by the United Nations.

9. In response to a query by the CHAIRMAN, Mr. BRUNI (Representative of the Secretary-General) confirmed that two Committee members would be invited to participate in the forthcoming session of the Preparatory Committee.

10. Mr. ABOUL-NASR expressed support for Ms. McDougall's participation, but considered that the two members who would be representing the Committee and whose expenses would be covered by the United Nations need not necessarily be a member of the contact group or the Committee's Chairman.

11. The CHAIRMAN said that he would not of course attend if there was any objection to his participation.

12. Mr. de GOUTTES welcomed the fact that Ms. January-Bardill would be attending the session, and endorsed the proposal that Ms. McDougall should participate in the Preparatory Committee and that the other Committee member whose participation costs would be defrayed by the United Nations should be the Chairman.

13. Mr. RECHETOV, Mr. DIACONU, Mr. PILLAI and Mr. FALL likewise expressed support for that proposal.

14. The CHAIRMAN said that, in the absence of any objection, he would take it that that was the Committee's wish.

15. It was so agreed.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Draft concluding observations concerning the ninth periodic report of Portugal (CERD/C/58/Misc.22/Rev.2)

16. Mr. YUTZIS (Country Rapporteur) said that the draft concluding observations incorporated amendments proposed by Committee members.

Paragraphs 1 to 3

17. Paragraphs 1 to 3 were adopted.

Paragraph 4

18. Paragraph 4 was adopted subject to an editorial amendment.

Paragraphs 5 to 7

19. Paragraphs 5 to 7 were adopted.

Paragraph 8

20. Mr. ABOUL-NASR suggested that the words "continue to" should be inserted before the word "monitor", since the State party had indicated that the authorities were already monitoring such incidents.

21. Mr. FALL suggested the addition of the words "with concern" after the words "The Committee notes".

22. Mr. YUTZIS (Country Rapporteur) endorsed both those amendments.

23. Paragraph 8, as amended, was adopted.

Paragraph 9

24. Paragraph 9 was adopted.

Paragraph 10

25. Mr. ABOUL-NASR requested clarification of the intent of the second sentence: "It recommends that the State party take measures to ensure that such a situation comes to an end and that the principle of equality among all workers is fully respected".

26. Mr. YUTZIS (Country Rapporteur) said the State party was being asked to take the necessary steps to bring an end to the situation whereby migrant workers employed illegally in some labour sectors were the victims of discrimination.

27. Mr. DIACONU said it was the State party's responsibility to deal with the problem of migrants being employed illegally and that the Committee need only concern itself with the question of discrimination. He therefore suggested the deletion of the phrase "that such a situation comes to an end and".

28. Mr. BOSSUYT said the Committee must be careful not to give the impression that it was condoning the illegal employment of migrants. What was against the law must be stopped and there were various means to achieve that end.

29. Mr. ABOUL-NASR said it was not a legal but a human rights issue. Once such migrants were employed, whether legally or illegally, they should be accorded equal treatment, in accordance with the provisions of the Convention.

30. Mr. BOSSUYT stressed that the illegal employment of migrant workers led to a whole series of human rights violations and must therefore be brought to an end. The Committee must therefore draft the text carefully.

31. Mr. de GOUTTES suggested that the second sentence should be reworded: "It recommends that the State party should take the necessary steps to bring an end to such discrimination".

32. Mr. YUTZIS (Country Rapporteur) expressed support for that amendment.

33. Paragraph 10, as amended, was adopted.

Paragraph 11

34. Mr. YUTZIS (Country Rapporteur) said that, although the State party itself had used the term "Gypsies", the word "Roma" would seem more appropriate.

35. Mr. DIACONU, supported by Mr. THORNBERRY, proposed that, in accordance with the Committee's established practice, the word "Gypsies" should be followed by "(Roma)".

36. Paragraph 11, as amended, was adopted, with minor drafting changes.

Paragraph 12

37. Paragraph 12 was adopted.

Paragraph 13

38. The CHAIRMAN suggested deleting the word "detailed".

39. Paragraph 13, as amended, was adopted.

Paragraph 14

40. Paragraph 14 was adopted.

Paragraph 15

41. Mr. BOSSUYT suggested that the paragraph should be reworded: "The Committee recommends that the State party submit its tenth periodic report jointly with the eleventh periodic report, due on 23 September 2003, and that it address the points raised in the present concluding observations".

42. Paragraph 15, as amended, was adopted.

43. The draft concluding observations concerning the ninth periodic report of Portugal as a whole, as amended, were adopted.

The meeting rose at 6 p.m.